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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 4172

11 **JEFFREY BRUCE CENTENO**
12 **P.O. Box 755**
13 **Mountain View, CA 94042**

A C C U S A T I O N

14 **Pharmacy Technician License No. TCH 57287**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
19 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

20 2. On or about July 13, 2004, the Board of Pharmacy issued Pharmacy Technician
21 License Number TCH 57287 to Jeffrey Bruce Centeno (Respondent). The Pharmacy Technician
22 Registration was in full force and effect at all times relevant to the charges brought herein and
23 will expire on June 30, 2012, unless renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
26 Consumer Affairs, under the authority of the following laws. All section references are to the
27 Business and Professions Code (Code) unless otherwise indicated.

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1 4. Section 4011 of the Code provides that the Board shall administer and enforce both
2 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
3 Act [Health & Safety Code, § 11000 et seq.].

4 5. Section 4300(a) of the Code provides that every license issued by the Board may be
5 suspended or revoked.

6 6. Section 118(b) of the Code provides, in pertinent part, that the suspension, expiration,
7 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
8 disciplinary action during the period within which the license may be renewed, restored, reissued
9 or reinstated. Section 4402(a) of the Code provides that any pharmacist license that is not
10 renewed within three years following its expiration may not be renewed, restored, or reinstated
11 and shall be canceled by operation of law at the end of the three-year period. Section 4402(e) of
12 the Code provides that any other license issued by the Board may be canceled by the Board if not
13 renewed within 60 days after its expiration, and any license canceled in this fashion may not be
14 reissued but will instead require a new application to seek reissuance.

15 STATUTORY AND REGULATORY PROVISIONS

16 7. Section 4301 of the Code provides, in pertinent part, that the Board shall take action
17 against any holder of a license who is guilty of “unprofessional conduct,” defined to include, but
18 not be limited to, any of the following:

19 (h) The administering to oneself, of any controlled substance, or the use of any dangerous
20 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
21 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
22 to the extent that the use impairs the ability of the person to conduct with safety to the public the
23 practice authorized by the license.

24 (k) The conviction of more than one misdemeanor or any felony involving the use,
25 consumption, or self-administration of any dangerous drug or alcoholic beverage, or any
26 combination of those substances.

27 (l) The conviction of a crime substantially related to the qualifications, functions, and duties
28 of a licensee under this chapter.

8. Section 490 of the Code provides, in pertinent part, that the Board may suspend or revoke a license when it finds that the licensee has been convicted of a crime substantially related to the qualifications, functions or duties of the license.

9. California Code of Regulations, title 16, section 1770, states:

“For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by her license or registration in a manner consistent with the public health, safety, or welfare.”

COST RECOVERY

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation of the licensing act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

FIRST CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crime(s))

11. Respondent is subject to discipline under section 4301(l) and/or section 490 of the Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of substantially related crime(s), in that on or about January 3, 2011, in the criminal case *People v. Jeffrey Bruce Centeno*, Case No. SM371275 in San Mateo County Superior Court, Respondent was convicted of violating Vehicle Code section 23152(b) (Driving with Blood Alcohol of 0.08% or Higher), a misdemeanor. The conviction was entered as follows:

a. On or about June 21, 2010, San Mateo County Sheriff's Department officer(s) in the Mountain View, CA area observed an automobile traveling southbound on Highway 280 swerving/weaving back and forth, and noted that the vehicle's driver's side tail light was broken. As the officer(s) observed, the vehicle attempted to exit on an off-ramp, entered the shoulder, and then swerved back into the lane. The officer(s) pulled the vehicle over.

b. Respondent was the driver of the vehicle. The officer(s) could smell alcohol on Respondent's breath and his eyes were watery. Respondent admitted to consuming two (2) beers about an hour prior. The officer(s) administered Field Sobriety Tests (FSTs), which Respondent was not able to perform successfully. Preliminary Alcohol Screen (PAS) testing administered at the scene registered blood alcohol content (BAC) levels of 0.201 and 0.195. Respondent was placed under arrest on suspicion of driving while under the influence of alcohol.

c. On or about August 11, 2010, Respondent was charged by criminal Complaint in *People v. Jeffrey Bruce Centeno*, Case No. SM371275 in San Mateo County Superior Court, with violating (1) Vehicle Code section 23152(a) (Driving Under the Influence of Alcohol or Drugs), a misdemeanor, and (2) Vehicle Code section 23152(b) (Driving with Blood Alcohol of 0.08% or Higher), a misdemeanor, and with a special allegation that Respondent had a blood alcohol content of 0.15 percent or higher within the meaning of Vehicle Code section 23578.

d. On or about January 3, 2011, Respondent pleaded *nolo contendere* to Count 2, violation of Vehicle Code section 23152(b) (Driving with Blood Alcohol of 0.08% or Higher), a misdemeanor, and admitted to driving with a blood alcohol content of 0.20% or higher. Count 1 was dismissed. Imposition of sentence was suspended in favor of a court probation of three (3) years on terms and conditions including 15 days in county jail (2 days CTS), time to be served consecutive to any other case of Respondent's, with a recommendation to the Sheriff's Work Program, enrollment in a Multiple Offender Drinking Driver Program, and fines and fees.

SECOND CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crime(s))

12. Respondent is subject to discipline under section 4301(1) and/or section 490 of the Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of substantially related crime(s), in that on or about January 10, 2011, in the criminal case *People v. Bruce Jeffrey Centeno*, Case No. C1076196 in Santa Clara County Superior Court, Respondent was convicted of violating Vehicle Code section 23152(b) (Driving with Blood Alcohol of 0.08% or Higher), a misdemeanor. The conviction was entered as follows:

1 a. On or about April 11, 2010, California Highway Patrol officer(s) responded to a
2 report of a traffic collision on Highway 880 southbound north of State Route 237, and found a car
3 sitting in a nearby drainage ditch with Respondent, the driver, still sitting inside. Officers found
4 no damage or indications of a collision, so asked Respondent why he was in the ditch. He said he
5 thought he was on the shoulder and did not realize he had driven into the drainage ditch until he
6 tried to climb up to the road. The officer(s) observed that Respondent's eyes were red and watery
7 and his speech was slurred; he also had the odor of alcohol on his breath. Respondent admitted to
8 having drunk "two or three beers." The officer(s) administered Field Sobriety Tests (FSTs), and
9 Respondent was not able to perform successfully. Preliminary Alcohol Screen (PAS) testing
10 administered at the scene registered blood alcohol content (BAC) levels of 0.238 and 0.243.
11 Respondent was placed under arrest on suspicion of driving while under the influence of alcohol.

12 c. On or about May 5, 2010, Respondent was charged by criminal Complaint in
13 *People v. Bruce Jeffrey Centeno*, Case No. C1076196 in Santa Clara County Superior Court, with
14 violating (1) Vehicle Code section 23152(a) (Driving Under the Influence of Alcohol or Drugs), a
15 misdemeanor, with a special allegation that Respondent had a BAC of 0.15 percent or higher
16 within the meaning of Vehicle Code section 23578, and (2) Vehicle Code section 23152(b)
17 (Driving with Blood Alcohol of 0.08% or Higher), a misdemeanor, with a special allegation that
18 Respondent had a BAC of 0.15 percent or higher within the meaning of section 23578.

19 d. On or about January 10, 2011, Respondent pleaded *nolo contendere* to Count 2,
20 violation of Vehicle Code section 23152(b) (Driving with Blood Alcohol of 0.08% or Higher), a
21 misdemeanor, and admitted to the special allegation. Count 1 was dismissed. Imposition of
22 sentence was suspended in favor of a court probation of three (3) years on terms and conditions
23 including 120 days in county jail (1 day CTS), concurrent to the time in Case No. B1048183 (see
24 below), enrollment in a Multiple Offender Drinking Driver Program, and fines and fees.

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1 sentence was suspended in favor of a court probation of three (3) years on terms and conditions
2 including 120 days in county jail (1 day CTS), concurrent to the time in Case No. C1076196 (see
3 above), enrollment in a Multiple Offender Drinking Driver Program, and fines and fees.

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5 FOURTH CAUSE FOR DISCIPLINE

6 (Dangerous or Injurious Use of Alcohol)

7 14. Respondent is subject to discipline under section 4301(h) of the Code, in that as
8 described in paragraphs 11 to 13, Respondent used alcohol in a dangerous or injurious manner.

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10 FIFTH CAUSE FOR DISCIPLINE

11 (Conviction of Crime(s) Involving Alcohol)

12 15. Respondent is subject to discipline under section 4301 (k) of the Code, in that as
13 described in paragraphs 11 to 13, Respondent was convicted of more than one misdemeanor or
14 any felony involving the use, consumption, or self-administration of alcohol..

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16 SIXTH CAUSE FOR DISCIPLINE

17 (Unprofessional Conduct)

18 16. Respondent is subject to discipline under section 4301 of the Code in that, as
19 described in paragraphs 11 to 15, Respondent engaged in unprofessional conduct.

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24 PRAYER

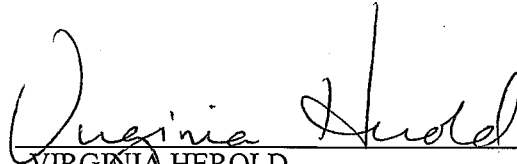
25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
26 and that following the hearing, the Board of Pharmacy issue a decision:

27 1. Revoking or suspending Pharmacy Technician License Number TCH 57287, issued
28 to Jeffrey Bruce Centeno (Respondent);

- 1 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
2 enforcement of this case, pursuant to Business and Professions Code section 125.3;
3 3. Taking such other and further action as is deemed necessary and proper.

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6 DATED: _____

5/29/12



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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